

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ROBERT GAYDEN,

Plaintiff,

vs.

**MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,**

Defendant.

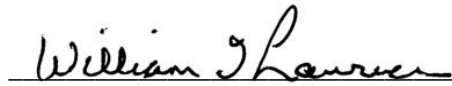
Cause No. 1:09-cv-1122-WTL-DML

ENTRY ON MOTION TO ALTER OR AMEND JUDGMENT

This cause is before the Court on the Defendant’s Motion to Alter or Amend Judgment Under F.R.C.P. 59(e) and the Plaintiff’s response thereto. The Defendant’s motion is **DENIED**. As noted in this Court’s original decision, “[t]he determination of credibility must contain specific reasons for the credibility finding” and “must be supported by the evidence and must be specific enough to enable the claimant and a reviewing body to understand the reasoning.” *Craft v. Astrue*, 539 F.3d 668, 678 (7th Cir. 2008). The Court remains convinced that the ALJ failed to fulfill this obligation, as he failed to explain the reasoning behind his finding that Gayden’s “allegations regarding the nature and severity of the impairment-related symptoms and functional limitations” were “partially credible.” Indeed, rather than provide a reason for this finding—or even an explanation of the extent to which Gayden’s allegations were and were not credible—the ALJ merely quoted from part of a state agency consultative physician’s report and copied a conclusory statement made in a residual functional capacity assessment form completed by a non-examining physician. The ALJ did not explain why he agreed with these statements, how these statements were or were not consistent with the other evidence of record, and what

about those statements rendered Gayden only “partially credible.” Therefore, the Court continues to believe that it is appropriate to remand this case to give the ALJ the opportunity to articulate his reasoning.

SO ORDERED: 01/25/2011

A handwritten signature in cursive script, reading "William T. Lawrence", written in black ink on a white background.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification